

2009 DRAFTING REQUEST

Bill

Received: **01/26/2010**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Neal Kedzie (608) 266-2635**

By/Representing: **Matt**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - other**
Nat. Res. - miscellaneous

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Kedzie@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Natural resources secretary and board members

Instructions:

Like 09s0165/1 and 09a0901/1

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 01/27/2010	jdyer 01/28/2010		_____			
/1			rschluet 01/28/2010	_____	cduerst 01/28/2010		
/2	btradewe 01/29/2010	jdyer 02/01/2010	phenry 02/01/2010	_____	sbasford 02/01/2010	cduerst 02/12/2010	

FE Sent For: **NONE**

<END>

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/?	btradewe	1/28 jw	1/28 P	1/28 VF			

FE Sent For:

<END>
1/28



State of Wisconsin
2009 - 2010 LEGISLATURE

SOON (in 1/27)

- 4/92/1
LRPS0165/1
RCT:jld&nwn:ph

stays ↑ RMNR

SENATE SUBSTITUTE AMENDMENT 2,
TO 2009 ASSEMBLY BILL 138

October 22, 2009 - Offered by COMMITTEE ON TRANSPORTATION, TOURISM, FORESTRY,
AND NATURAL RESOURCES.

Regen

- ✓
1 AN ACT *to amend* 15.05 (1) (c), 15.34 (2) (a) and 17.20 (1); and *to create* 15.34
2 (2) (be), (bg), (bi) and (br) of the statutes; **relating to:** the appointment and term
3 of service of the secretary of natural resources and qualifications of members
4 of and vacancies on the Natural Resources Board. ✓

Analysis by the Legislative Reference Bureau

bill ✓
Under current law, the secretary of natural resources is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. Under this substitute amendment, the secretary of natural resources is nominated by the Natural Resources Board, and with the advice and consent of the senate appointed, for a four-year term. ✓ As the appointing body, the Natural Resources Board may remove the secretary from office at any time. The substitute amendment provides that the secretary in office when the substitute amendment takes effect serves a four-year term beginning when he or she was appointed. ✓ bill

✓
Under current law, when an appointive state office that has a specific term becomes vacant, because of a resignation or removal, for example, the new appointee is appointed for the rest of the unexpired term. Under this substitute amendment, when the office of secretary of natural resources becomes vacant, the new appointee serves a full four-year term beginning when he or she is appointed. ✓ bill

✓
Analysis
insert →

Under current law, the Natural Resources Board consists of seven members nominated by the governor and with the advice and consent of the senate appointed for six-year terms. Current law requires that at least three of the members be from north, and at least three of the members be from south, of a line running east and west through the southern limits of the city of Stevens Point.

bill This ~~substitute amendment~~ requires that, beginning in 2016, at least one member of the Natural Resources Board have an agricultural background, at least one member have a business background, and at least one member have an environmental background. The ~~substitute amendment~~ also requires that, beginning in 2016, at least four members of the Natural Resources Board have held a hunting, fishing, or trapping license in at least seven of the ten years before the year of nomination. If an individual served on active duty in the military during the ten years before nomination, the number of years in which the individual is required to have held an annual hunting, fishing, or trapping license equals seven minus the number of years of active duty. ✓ *bill*

bill ✓ As with members of other state boards, under current law, a member of the Natural Resources Board may continue to serve after the expiration of his or her term until a successor is nominated and the senate consents to the nomination. This ~~substitute amendment~~ provides that the position of a member of the Natural Resources Board nominated after January 2, 2011, becomes vacant upon the expiration of the member's term. This change triggers the application of a current provision under which the governor may provisionally fill a vacancy, without the consent of the senate. The provisional appointment remains in effect until the senate acts on the appointment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.05 (1) (c) of the statutes is amended to read:

2 15.05 (1) (c) The secretary of natural resources shall be nominated by the
3 governor natural resources board, and with the advice and consent of the senate
4 appointed, ~~to serve at the pleasure of the governor for a 4-year term~~ ✓ *Insert 2-4*

5 **SECTION 2.** 15.34 (2) (a) of the statutes is amended to read:

6 15.34 (2) (a) The natural resources board shall consist of 7 members appointed
7 for staggered 6-year terms. Upon the expiration of the term of a member nominated
8 after January 2, 2011, the position that was held by the member is vacant.

9 **SECTION 3.** 15.34 (2) (be), (bg), (bi) and (br) of the statutes are created to read:

1 15.34 (2) (be) At least one member of the natural resources board shall have
2 an agricultural background. The requirements of this paragraph apply to
3 individuals who are members of the natural resources board on May 1, 2016, and
4 thereafter.

5 (bg) At least one member of the natural resources board shall have a business
6 background. The requirements of this paragraph apply to individuals who are
7 members of the natural resources board on May 1, 2016, and thereafter.

8 (bi) At least one member of the natural resources board shall have an
9 environmental background. The requirements of this paragraph apply to
10 individuals who are members of the natural resources board on May 1, 2016, and
11 thereafter.

12 (br) 1. At least 4 members of the natural resources board shall be individuals
13 who held an annual hunting, fishing, or trapping license, in this state or another
14 state, in at least 7 of the 10 years previous to the year in which the individual is
15 nominated, except as provided in subd. 2. The requirements of this paragraph apply
16 to individuals who are members of the natural resources board on May 1, 2016, and
17 thereafter.

18 2. If an individual served on active duty in the U.S. armed forces or national
19 guard during the 10 years previous to the year in which the individual is nominated,
20 the number of years in which the individual is required to have held an annual
21 hunting, fishing, or trapping license equals 7 minus the number of years of active
22 duty served during those 10 years.

23 **SECTION 4.** 17.20 (1) of the statutes is amended to read:

24 17.20 (1) GENERAL. Vacancies in appointive state offices shall be filled by
25 appointment by the appointing power and in the manner prescribed by law for

1 making regular full term appointments thereto, and appointees to fill vacancies
2 therein shall hold office for the residue of the unexpired term or, if no definite term
3 of office is fixed by law, until their successors are appointed and qualify, except that
4 an appointee to fill a vacancy in the office of secretary of natural resources is
5 appointed to a full 4-year term beginning on the date of appointment and
6 qualification.

7 **SECTION 5. Nonstatutory provisions.**

8 (1) The secretary of natural resources serving on the effective date of this
9 subsection shall serve a 4-year term beginning on the date on which the secretary
10 was appointed by the governor.

11 (END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4192/1ins
RCT:.....

Analysis insert

The bill also prohibits the Natural Resources Board from appointing an individual as secretary of natural resources unless the individual held a hunting or fishing license in at least three of the five years before the year of nomination. If the individual served on active duty in the military during the five years before nomination, the number of years in which the person is required to have held a hunting or fishing license equals five minus the number of years of active duty.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0901/1
RCT:jld:md

**SENATE AMENDMENT 2,
TO 2009 ASSEMBLY BILL 138**

October 22, 2009 - Offered by COMMITTEE ON TRANSPORTATION, TOURISM, FORESTRY,
AND NATURAL RESOURCES.

Insert 2-4

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 4: after "term" insert . The natural resources board may not
3 appoint an individual to be secretary of natural resources unless the individual held
4 a hunting or fishing license, in this state or another state, in at least [✓]3 of the 5 years
5 before the year in which the board makes the appointment, except that the board
6 may appoint an individual who served on active duty in the U.S. armed forces or
7 national guard during the 5 years before the year in which the board makes the
8 appointment, if during those 5 years the individual held a hunting or fishing license
9 for 3 years minus the number of years of active duty served[✓]

10

END

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1/29/2010 Per Matt - all they want, are the
new qualifications for secretary and board members.
-4192/1
RUT



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-419213 2
RCT:jld&nwn:rs rlv

SOON (in 1/29)

2009 BILL

please regenerate
↓

X

1 AN ACT *to amend* 15.05 (1) (c), 15.34 (2) (a) and 17.20 (1); and *to create* 15.34

2 (2) (be), (bg), (bi) and (br) of the statutes; *relating to:* the appointment and term

3 of service *of qualifications* of the secretary of natural resources and qualifications of members

4 of and vacancies on the Natural Resources Board. *nominating*

Analysis by the Legislative Reference Bureau

Under current law, the secretary of natural resources is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. Under this bill, the secretary of natural resources is ~~nominated by the National Resources Board~~, and with the advice and consent of the senate appointed, for a four-year term. As the appointing body, the Natural Resources Board may remove the secretary from office at any time. The bill provides that the secretary in office when the bill takes effect serves a four-year term beginning when he or she was appointed.

Under current law, when an appointive state office that has a specific term becomes vacant, because of a resignation or removal, for example, the new appointee is appointed for the rest of the unexpired term. Under this bill, when the office of secretary of natural resources becomes vacant, the new appointee serves a full four-year term beginning when he or she is appointed.

4 This The bill also prohibits the Natural Resources Board from appointing an individual as secretary of natural resources unless the individual held a hunting or fishing license in at least three of the five years before the year of nomination. If the individual served on active duty in the military during the five years before

governor

BILL

nomination, the number of years in which the person is required to have held a hunting or fishing license equals five minus the number of years of active duty.

Under current law, the Natural Resources Board consists of seven members nominated by the governor and with the advice and consent of the senate appointed for six-year terms. Current law requires that at least three of the members be from north, and at least three of the members be from south, of a line running east and west through the southern limits of the city of Stevens Point.

This bill requires that, beginning in 2016, at least one member of the Natural Resources Board have an agricultural background, at least one member have a business background, and at least one member have an environmental background. The bill also requires that, beginning in 2016, at least four members of the Natural Resources Board have held a hunting, fishing, or trapping license in at least seven of the ten years before the year of nomination. If an individual served on active duty in the military during the ten years before nomination, the number of years in which the individual is required to have held an annual hunting, fishing, or trapping license equals seven minus the number of years of active duty.

As with members of other state boards, under current law, a member of the Natural Resources Board may continue to serve after the expiration of his or her term until a successor is nominated and the senate consents to the nomination. This bill provides that the position of a member of the Natural Resources Board nominated after January 2, 2011, becomes vacant upon the expiration of the member's term. This change triggers the application of a current provision under which the governor may provisionally fill a vacancy, without the consent of the senate. The provisional appointment remains in effect until the senate acts on the appointment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.05 (1) (c) of the statutes is amended to read:

15.05 (1) (c) The secretary of natural resources shall be nominated by the ^{plain} ~~governor~~ ^{governor} natural resources board, and with the advice and consent of the senate appointed, ^{plain} ~~to serve at the pleasure of the governor~~ ^{for a 4-year term}. The ^{plain} ~~natural~~ resources board ^{governor} ~~may not appoint~~ ^{governor} an individual to be secretary of natural resources unless the individual held a hunting or fishing license, in this state or another state, in at least 3 of the 5 years before the year in which the ^{governor} ~~board~~ ^{governor} makes the ^{governor} ~~appointment~~ ^{nomination}, except that ^{governor} ~~the board~~ ^{governor} may ^{governor} ~~appoint~~ ^{nominate} an individual who served on active duty in the U.S. armed forces or national guard during the 5 years before the year in which the

BILL

1 ^{GOVERNOR} ~~board~~ makes the appointment, if during those 5 years the individual held a hunting
2 or fishing license for 3 years minus the number of years of active duty served. ← score period

3 SECTION 2. 15.34 (2) (a) of the statutes is amended to read:

4 15.34 (2) (a) The natural resources board shall consist of 7 members appointed
5 for staggered 6-year terms. Upon the expiration of the term of a member nominated
6 after January 2, 2011, the position that was held by the member is vacant.

7 SECTION 3. 15.34 (2) (be), (bg), (bi) and (br) of the statutes are created to read:

8 15.34 (2) (be) At least one member of the natural resources board shall have
9 an agricultural background. The requirements of this paragraph apply to
10 individuals who are members of the natural resources board on May 1, 2016, and
11 thereafter.

12 (bg) At least one member of the natural resources board shall have a business
13 background. The requirements of this paragraph apply to individuals who are
14 members of the natural resources board on May 1, 2016, and thereafter.

15 (bi) At least one member of the natural resources board shall have an
16 environmental background. The requirements of this paragraph apply to
17 individuals who are members of the natural resources board on May 1, 2016, and
18 thereafter.

19 (br) 1. At least 4 members of the natural resources board shall be individuals
20 who held an annual hunting, fishing, or trapping license, in this state or another
21 state, in at least 7 of the 10 years previous to the year in which the individual is
22 nominated, except as provided in subd. 2. The requirements of this paragraph apply
23 to individuals who are members of the natural resources board on May 1, 2016, and
24 thereafter.

BILL**SECTION 3**

1 2. If an individual served on active duty in the U.S. armed forces or national
2 guard during the 10 years previous to the year in which the individual is nominated,
3 the number of years in which the individual is required to have held an annual
4 hunting, fishing, or trapping license equals 7 minus the number of years of active
5 duty served during those 10 years.

6 **SECTION 4.** 17.20 (1) of the statutes is amended to read:

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10 therein shall hold office for the residue of the unexpired term or, if no definite term
11 of office is fixed by law, until their successors are appointed and qualify, except that
12 an appointee to fill a vacancy in the office of secretary of natural resources is
13 appointed to a full 4-year term beginning on the date of appointment and
14 qualification.

15 **SECTION 5. Nonstatutory provisions.**

16 (1) The secretary of natural resources serving on the effective date of this
17 subsection shall serve a 4-year term beginning on the date on which the secretary
18 was appointed by the governor.

19 (END)

Duerst, Christina

From: Phillips, Matt
Sent: Friday, February 12, 2010 10:04 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-4192/2 Topic: Natural resources secretary and board members

Please Jacket LRB 09-4192/2 for the SENATE.